

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL WAYNE MATHISON,
Plaintiff,
v.
ZACHARY SHANNON, et al.,
Defendants.

Case No. 1:24-cv-00427-KES-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 19

Plaintiff Michael Wayne Mathison is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 15, 2024, plaintiff filed a declaration explaining that he intends to proceed on the cognizable claim identified in the assigned magistrate judge's September 3, 2024 screening order regarding plaintiff's second amended complaint. Doc. 18. Thereafter, on November 19, 2024, the magistrate judge issued findings and recommendations recommending that this action proceed only on plaintiff's Fourth Amendment claim for excessive force against defendant Zachary Shannon and that all other claims be dismissed. Doc. 19. The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. *Id.* at 4. No objections have been filed and the time to do so has passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a
2 de novo review of this case. Having carefully reviewed the file, the Court finds the findings
3 and recommendations are supported by the record and proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on November 19, 2024, Doc. 19, are
6 adopted in full;
- 7 2. This action proceeds only on plaintiff's Fourth Amendment claim for excessive
8 force against defendant Zachary Shannon;
- 9 3. All other claims are dismissed from the action for failure to state a cognizable
10 claim for relief;
- 11 4. Defendant Rudy Alcaraz is dismissed from this action; and
- 12 5. This matter is referred back to the assigned magistrate judge for further
13 proceedings.

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16 IT IS SO ORDERED.

17 Dated: July 27, 2025


UNITED STATES DISTRICT JUDGE